



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5576-99

13 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 February 1965 at the age of 17. Your record reflects that on 6 April 1965 you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA) and were awarded forfeitures totalling \$60. On 5 and 28 August 1965 you received NJP for sleeping in an unauthorized place, wrongful appropriation, two periods of absence from your appointed place of duty, and two specifications of violation of ship's instructions. On 28 December 1965 you were convicted by summary court-martial (SCM) of a four day period of UA, missing the movement of your ship, assault, and possession of alcoholic beverages on board ship. You were sentenced to confinement at hard labor for 30 days and a \$50 forfeiture of pay.

Your record further reflects that on 26 July 1966 you were convicted by SCM of absence from your appointed place of duty and a nine day period of UA. You were sentenced to confinement at hard labor for 30 days and a \$50 forfeiture of pay. On 18 November 1966 you were convicted by special court-martial (SPCM)

of a 29 day period of UA and sentenced to confinement at hard labor for three months and forfeitures totalling \$207.

On 2 February 1967, you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. After consulting with legal counsel, you waived your right to present your case to an administrative discharge board (ADB). On 8 February 1967 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. The discharge authority approved the commanding officer's recommendation and directed him to issue you an other than honorable discharge. Accordingly, on 16 March 1967, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct which resulted in three NJPs and three court-martial convictions. The Board also noted that you waived your right to an ADB, which was your best chance to be retained or to receive a better characterization of service. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director